

REMARKS

In response to the above-identified Office Action (“Action”), Applicant submits the following remarks and seeks reconsideration thereof. Claims 1 and 3-18 are pending in the present application. Claims 11-16 remain withdrawn. Claims 1 and 3-10 and 17-18 are rejected. In this response, claims 1 and 6 are amended, claims 3 and 5 are cancelled and no claims are added.

I. Claim Amendments

Applicant respectfully submits herewith amendments to claims 1 and 6. Claim 1 is amended to incorporate the elements of now cancelled claims 3 and 5. Claim 6 is amended to depend from claim 1 instead of now cancelled claim 5. Applicant respectfully submits the amendments do not add new matter and are supported by the specification. Accordingly, Applicant respectfully requests consideration and entry of the amendments to claim 1.

II. Claims Rejected Under 35 U.S.C. §103

A. In the outstanding Action, claims 1, 3, 4, 7 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0060497 issued to Smith et al. (“Smith”) in view of U.S. Patent No. 4,132,104 issued to Clavin (“Clavin”) as evidenced by *Handbook of Thermoplastic Elastomers* by Drobny (“Drobny”). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, the Examiner must set forth “some articulated reasoning with some rational underpinning to support the conclusion of obviousness.” See KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396 (2007). In combining prior art elements to render the claimed combination of elements obvious, the Examiner must show that the results would have been predictable to one of ordinary skill in the art. See Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103, Section III(D), issued by the U.S. Patent and Trademark Office on October 10, 2007.

Claim 3 is cancelled therefore the rejection of claim 3 on this basis is moot.

In regard to independent claim 1, Applicant respectfully submits that Smith, Clavin and Drobny fail to disclose or render predictable at least the elements of “bending the pipe incrementally at the plurality of longitudinally displaced locations, the longitudinally displaced locations separated by a distance equal to approximately $\frac{1}{4}$ of a diameter of the pipe” as recited in amended claim 1.

The Examiner admits on page 4 of the Action that Smith and Clavin do not teach a pipe having individual bends spaced apart $\frac{1}{4}$ the length of the pipe’s diameter. The Examiner has further not pointed to, and Applicant is unable to discern, a portion of Drobny disclosing bending a pipe incrementally at a plurality of longitudinally displaced locations, the longitudinally displaced locations separated by a distance equal to approximately $\frac{1}{4}$ of a diameter of the pipe. Rather, Drobny is relied upon by the Examiner to disclose heating of a pipe by induction heating.

Thus, for at least the foregoing reasons, Smith, Clavin and Drobny fail to disclose or render predictable each and every element of claim 1. Since each of the elements of claim 1 are not found within the cited prior art references, a *prima facie* case of obviousness may not be established. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §103 in view of Smith, Clavin and Drobny.

Claims 4, 7 and 9 depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons that claim 1 is not *prima facie* obvious over Smith, Clavin and Drobny, claims 4, 7 and 9 are further not obvious over the cited prior art references. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4, 7 and 9 under 35 U.S.C. §103 in view of Smith, Clavin and Drobny.

B. In the outstanding Action, claims 5 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Clavin as evidenced by Drobny as applied to claims 3 and 4 and further in view of European Patent Application No. 1086760 to Lewis (“Lewis”). Applicant respectfully traverses the rejection.

Claim 5 is cancelled therefore the rejection of claim 5 on this basis is moot.

Claims 6 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons previously discussed, Smith, Clavin and Drobny fail to disclose or render predictable at least the elements of “bending the pipe incrementally at the plurality of longitudinally displaced locations, the longitudinally displaced locations separated by a distance equal to approximately $\frac{1}{4}$ of a diameter of the pipe” as incorporated into claim 6 from claim 1. Applicant is further unable to discern a portion of Lewis curing the deficiencies of Smith, Clavin and Drobny with respect to this element.

The Examiner alleges that Clavin discloses bending the pipe at a location and then continuing bending at another location in col. 4, lines 20-42 and a pipe having 1 degree bends per distance equal to the pipe’s diameter. See Action, page 4. The Examiner further alleges that Lewis discloses cumulative bends with spaced $\frac{1}{4}$ degree bends. See Action, page 4. The Examiner concludes that in view of Clavin, the spaced $\frac{1}{4}$ degree bends of Lewis would be $\frac{1}{4}$ of the 1 degree arc length. See Action, page 4. Applicant respectfully disagrees.

Clavin discloses *a single* 1 degree bend per distance equal to the pipe’s diameter. Clavin further discloses that the pipe must be overbent so that when the die pressure of the bending machine is released the final bend is 1 degree. For example, Clavin discloses that to achieve a bend of 1 degree per arc foot of pipe (e.g. a 12 inch diameter pipe), the pipe is bent 2 degrees per arc foot of pipe. Clavin does not disclose the use of multiple bends per arc foot to achieve a final bend of 1 degree per arc foot. As pointed out by the Examiner, Lewis discloses incrementally bending a pipe $\frac{1}{4}$ degrees. See Lewis, col. 9, paragraph [0029]. Even if Clavin can be interpreted to disclose a 12 inch pipe having a 1 degree bend every 12 inches, replacing these bends with the $\frac{1}{4}$ degree bend of Lewis results in a pipe having a $\frac{1}{4}$ degree bend every 12 inches, not bends separated by a distance of approximately $\frac{1}{4}$ of a diameter of the pipe (i.e. every 3 inches).

Applicant notes that a 1 or 2 degree pipe bend as disclosed in Clavin would result in cracking of the composite reinforcement of a composite reinforced pipe. Accordingly, one of

ordinary skill in the art would not understand the technique disclosed in Clavin as being suitable for bending a composite reinforced pipe.

Thus, for at least the foregoing reasons, claim 6 is not *prima facie* obvious over Smith, Clavin, Drobny and Lewis. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. §103 in view of Smith, Clavin, Drobny and Lewis.

C. In the outstanding Action, claims 8 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Clavin as evidenced by Drobny as applied to claim 1, and further in view of U.S. Patent No. 4,255,378 issued to Miller et al. ("Miller"). Applicant respectfully traverses the rejection.

Claims 8 and 10 depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons previously discussed, Smith, Clavin and Drobny fail to disclose or render predictable at least the elements of "bending the pipe incrementally at the plurality of longitudinally displaced locations, the longitudinally displaced locations separated by a distance equal to approximately $\frac{1}{4}$ of a diameter of the pipe" as incorporated into claims 8 and 10 from claim 1. The Examiner has further not pointed to, and Applicant is unable to discern, a portion of Miller curing the deficiencies of Smith, Clavin and Drobny with respect to this element. Rather, the Examiner alleges Miller discloses capping ends of a pipe. Thus, for at least the foregoing reasons, claims 8 and 10 are not *prima facie* obvious over Smith, Clavin, Drobny and Miller. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 8 and 10 under 35 U.S.C. §103 in view of Smith, Clavin, Drobny and Miller.

D. In the outstanding Action, claims 17 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Clavin as evidenced by Drobny, in view of U.S. Patent No. 5,435,867 issued to Wolfe et al. ("Wolfe"). Applicant respectfully traverses the rejection.

Claims 17 and 18 depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons previously discussed, Smith, Clavin and Drobny fail to disclose or render predictable at least the elements of "bending the pipe incrementally at the plurality of

longitudinally displaced locations, the longitudinally displaced locations separated by a distance equal to approximately $\frac{1}{4}$ of a diameter of the pipe” as incorporated into claims 17 and 18 from claim 1. The Examiner has further not pointed to, and Applicant is unable to discern, a portion of Wolfe curing the deficiencies of Smith, Clavin and Drobny with respect to this element.

Rather the Examiner alleges Wolfe discloses a directional orientation of a fiber reinforcement. Thus, for at least the foregoing reasons, claims 17 and 18 are not *prima facie* obvious over Smith, Clavin, Drobny and Wolfe. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 17 and 18 under 35 U.S.C. §103 in view of Smith, Clavin, Drobny and Wolfe.

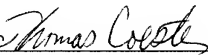
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1, 4 and 6-18, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: January 7, 2009

By: 
Thomas M. Coester, Reg. No. 39,637

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Telephone (408) 720-8300
Facsimile (408) 720-8383

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on January 7, 2009.

Si Vuong

